

FILED: May 26, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-545
(4:05-cr-00568-TLW-1)

In re: ANTHONY AUGUSTUS THOMAS,

Movant.

O R D E R

Anthony Augustus Thomas has filed a motion pursuant to 28 U.S.C. §§ 2244, 2255(h)(2) (2012) for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion. Thomas has made a prima facie showing that the new rule of constitutional law announced in Johnson v. United States, 135 S. Ct. 2551 (2015), and held to apply retroactively to cases on collateral review by Welch v. United States, 136 S. Ct. 1257 (2016), may apply to his case. We grant authorization for Thomas to file a second or successive § 2255 motion, thus permitting the district court to consider the motion in the first instance. Pursuant to 28 U.S.C. § 2255(f)(3), the one-year limitations period for filing a § 2255 motion raising a Johnson claim expires on June 26, 2016.

Entered at the direction of the panel: Judge Wilkinson,
Judge Niemeyer, and Judge Motz.

For the Court

/s/ Patricia S. Connor, Clerk